

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SANTIAGO TURRIETA,

Plaintiff,

v.

No. CV 10-0192 WJ/LAM

ROBERT ULIBARRI, et al.,

Defendants.

ORDER

THIS MATTER is before the Court, *sua sponte* under 28 U.S.C. § 1915(e)(2) and Fed. R. Civ. P. 12(b)(6), on Plaintiff's *Civil Rights Complaint Pursuant to 42 U.S.C. § 1983* (Doc. 1). Plaintiff is incarcerated, appears *pro se*, and is proceeding *informa pauperis*. The complaint alleges that Defendants Lytle, Ritchie, Baca, Gallegos, and Vallejos seriously injured Plaintiff by unnecessary use of excessive force, and their actions resulted from a conspiracy to violate Plaintiff's constitutional rights. *Civil Rights Complaint Pursuant to 42 U.S.C. § 1983* (Doc. 1) at 4-5, 6, 9-26. The complaint further alleges that Defendants Campos and Ulibarri deliberately delayed necessary medical treatment for Plaintiff's injuries. *Id.* at 26-27. Plaintiff contends that Defendants' actions violated his rights under the Fifth, Eighth, and Fourteenth Amendments. *Id.* at 18, 20, 23, 25-26, 27. Plaintiff seeks damages. *Id.* at 27. Plaintiff's allegations against the named Defendants survive initial scrutiny under Fed. R. Civ. P. 12(b)(6) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007) (requiring that a complaint contain "enough facts to state a claim to relief that is plausible on its face").

IT IS THEREFORE ORDERED that the Clerk is directed to issue notice and waiver of service forms, with copies of the complaint, for Defendants.

IT IS SO ORDERED.

Lourdes A. Martinez
LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE